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October 22, 2015

**BY ECF**

Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Umar Alli v. Warden of A.R.N.D.C. (Rikers Island), et al.*,  
12 Civ. 3947 (GBD) (MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above-referenced matter on behalf of defendants City of New York, Commissioner Schriro, Warden Duffy, Warden Bailey, Warden Argo, Captain Vega, Captain Singutary, Deputy Warden Lemon, Officers DiPerri, Rees, Gleen, and Brown (hereinafter “defendants”). Defendants write to respectfully: (1) inform the Court that plaintiff *pro se* has objected to his Court Ordered deposition scheduled for October 23, 2015; (2) request that the Court Order plaintiff’s deposition for a date following his release from State custody; and (3) request a corresponding (30) day extension of time to complete discovery, from October 31, 2015 until December 1, 2015. As plaintiff is incarcerated and proceeding *pro se*, this request is made directly to the Court.

By way of background, plaintiff alleges that he was assaulted by numerous Correction Officers on June 2, 2009 while he was housed in the George R. Vierno Center (“GRVC”) on Rikers Island. On March 11, 2015, the Court granted plaintiff’s motion for relief from a final order under Rule 60(b)(1) of the Federal Rules of Civil Procedure, reopening the instant case. On August 10, 2015, defendants respectfully requested that Your Honor grant leave to take plaintiff’s deposition via video conference on August 28, 2015. *See* Docket Entry No. 133. The Court granted this request on August 12, 2015. *See* Docket Entry No. 135. On August 24, 2015, a letter by plaintiff, dated August 18, 2015, was filed on the Docket. *See* Docket Entry No. 140. In this letter, plaintiff objected to having his deposition taken via video conference. Plaintiff claimed in his letter that he is hearing impaired and lacked hearing aids. Accordingly, plaintiff requested that the deposition be conducted in person. Defendants consented to this request and the Court subsequently ordered that plaintiff be moved from Clinton Correctional

Facility to Sing Sing Correctional Facility for purposes of his deposition. *See* Docket Entry Nos. 142, 143.

On October 22, 2015, the undersigned was informed by a telephone call from plaintiff's mother that plaintiff objects to his deposition on October 23, 2015 for religious reasons. Specifically, plaintiff is purportedly not available to participate in the October 23, 2015 deposition because he will be observing a religious holiday. Defendants, once again, consent to re-scheduling plaintiff's deposition. However, given the time and the resources which have been expended in an attempt to take plaintiff's deposition while he remains in State custody, defendants respectfully request that the Court order plaintiff's deposition to be taken on a date following plaintiff's release from State custody. Upon information and belief, plaintiff is to be released from State custody on November 14, 2015. Accordingly, defendants respectfully request that the Court Order plaintiff's deposition to be taken on November 24, 2015. In turn, defendants respectfully request that the Court grant a corresponding thirty (30) day extension of discovery, from October 31, 2015 until December 1, 2015, solely for the purpose of taking plaintiff's deposition.

Defendants thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/

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cc: Umar Alli (By First Class Mail)  
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